

STATE OF NEW YORK

3509

2021-2022 Regular Sessions

IN SENATE

January 29, 2021

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to immigration bonds and disclosures for providers of immigrant assistant services

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The general business law is amended by adding a new section
2 460-d-1 to read as follows:

3 § 460-d-1. Restrictions on bonds. 1. (a) No bond agent or person who
4 underwrites or insures the provision of an immigration or other bail
5 bond who requires the use of an ankle monitor or other homing device as
6 a condition for the provision of such a bond may charge any fee for such
7 monitor or device that exceeds the cost of maintaining and operating
8 such monitor or device charged to the bond agent or person who under-
9 writes or insures the provision of the bond.

10 (b) Any fee associated with such monitor or device charged pursuant to
11 paragraph (a) of this subdivision shall be included in calculating the
12 legally permissible non-refundable payment for a given bond.

13 (c) No bond agent or person who underwrites or insures the provision
14 of an immigration or other bail bond who requires the use of an ankle
15 monitor or other homing device as a condition for the provision of such
16 a bond may prohibit such monitor or device from being removed, or charge
17 any fee for such removal or subsequent replacement, in case of a medical
18 necessity or reasonable fear of a medical necessity. Any statement to
19 the contrary, whether made in writing or orally, renders the contract
20 voidable by the individual for whom the bond is provided.

21 2. No bond agent or person who underwrites or insures the provision of
22 an immigration or other bail bond shall charge a premium or receive
23 compensation in excess of the limits established pursuant to section six
24 thousand eight hundred four of the insurance law.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD07517-01-1

1 § 2. Subdivision 3 of section 460-b of the general business law is
2 amended by adding a new paragraph (m) to read as follows:

3 (m) For any written contract for the provision of an immigration bond,
4 the statement: "You have the right to a court hearing to lower your bond
5 amount, though the hearing could result in continued detention."

6 § 3. Section 460-d of the general business law is amended by adding a
7 new subdivision 16 to read as follows:

8 16. Provide a referral or contact information for a lawyer or legal
9 services provider that is owned at least partly by the provider or an
10 entity affiliated with the provider without:

11 (a) disclosing in writing the source of payment to the lawyer or legal
12 services provider for the services rendered; and

13 (b) including the written statement: "Using this lawyer or legal
14 services provider is not a requirement of bond. If you choose to hire
15 this lawyer or legal services provider, you have the right to fire them
16 at any time and seek your own counsel. Free legal services may be
17 available by contacting the New York state New Americans hotline at
18 1-800-566-7636."

19 § 4. This act shall take effect on the sixtieth day after it shall
20 have become a law.